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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,817	09/15/2003	Reinhard Hartung	32368-192670	7378
26694	7590	09/29/2005	EXAMINER	
VENABLE LLP			WELCH, GARY L	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20045-9998			3765	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,817

Applicant(s)

HARTUNG, REINHARD

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-67 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09152003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: It appears that the following changes are required:

Page 3, lines 10 and 11 and Page 4, lines 10 and 11: Delete reference to the claims since claim numbering may change when the application is allowed.

Page 9, line 12: Change "II" (second occurrence) to --III--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunter (U.S. 4,768,262).

Gunter discloses a draw frame 10 for fiber slivers that adjusts the nip line spacing of the drawing mechanism. The draw frame 10 has at least two drawing mechanism roller combinations wherein at least one is mounted for adjusting and at least one driven lower roller and at least one upper roller (Figure 5). The upper rollers are unloaded and lifted off, the mountings of at least one lower roller are unlocked, the mountings are adjusted to the desired nip line spacing using a displacement device and the mountings are subsequently re-locked.

Art Unit: 3765

With regard to claim 2, the transport rollers are lifted off (Figure 5).

With regard to claim 3, the invention is disclosed substantially as claimed above.

Furthermore, a loop of fiber material S formed in the draft zone is drawn straight out.

With regard to claim 4, the preliminary or main draft zone spacing is reduced when the nip spacing between the rollers is changed. Subsequently, the loop of fiber material S in the main draft zone is drawn straight.

With regard to claim 5, the loop of fiber material is evened out by rotation of the delivery roller combination.

With regard to claim 6, the loop of fiber material S is formed in the main draft zone. Subsequently, the preliminary or main draft zone spacing is increased.

With regard to claim 7, the loop of fiber material S is formed by rotation of the delivery roller combination contrary to the work direction.

With regard to claim 8, the transport rollers are loaded.

With regard to claim 9, adjustment of the nip line spacing is carried out in continuation from one draft zone to another.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Savageau et al. (U.S. 3,869,759).

Savageau et al. discloses a method at a draw frame for adjusting the nip line spacing of a drawing mechanism having at least two drawing mechanism roller combinations (18, 20, 22, 24) of which at least one is mounted to be adjusted (Col. 3, lines 11-46). Each roller combination consists of at least one driven

lower roller and at least one upper roller (not shown). The upper rollers are unloaded and lifted off, the mountings (28, 30) of at least one lower roller is unlocked, the mountings (28, 30) are adjusted to the desired nip line spacing and then the mountings (28, 30) are relocked.

With regard to claim 2, the transport rollers are lifted off. It is assumed that applicant refers to transport rollers as the upper rollers. It is requested that applicant respond to this assumption.

With regard to claim 3, the invention is disclosed substantially as claimed above. Furthermore, a loop of fiber material is formed in the draft zone and is drawn straight out.

With regard to claim 4, the preliminary or main draft zone spacing is reduced when the nip spacing between the rollers is changed. Subsequently, the loop of fiber material in the main draft zone is drawn straight.

With regard to claim 5, the loop of fiber material is evened out by rotation of the delivery roller combination.

With regard to claim 6, the loop of fiber material is formed in the main draft zone. Subsequently, the preliminary or main draft zone spacing is increased.

With regard to claim 7, the loop of fiber material is formed by rotation of the delivery roller combination contrary to the work direction.

With regard to claim 8, the transport rollers are loaded.

With regard to claim 9, adjustment of the nip line spacing is carried out in continuation from one draft zone to another.

***Allowable Subject Matter***

5. Claims 10-67 are allowed.


***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leifeld '882 and Breuer '982 disclose various draw frames for adjusting the nip line spacing between the lower rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765